

## ***DISTRICT III ADVISORY BOARD***

### **MINUTES**

Tuesday, November 6, 2000

7:00 p.m.

Colvin Mini City Hall, 2820 S. Roosevelt

#### **Members Present**

Bill Ward  
Judy Dillard  
Phyllis Hall  
Matt Foley  
John Kemp  
Gene Fuhr  
Lois Ann Newman  
Jim Gulick  
Brent Turnipseed  
Jim Skelton

#### **Members Absent**

Phil Bloomquist

#### **Staff**

Lisa Rollins, C.P./ Patrol South  
Matt Jordan, City Manager's Office  
Mike Lindebak, Public Works  
Doug Kupper, Parks & Recreation  
Neil Cable, Water & Sewer  
Dana Brown, City Manager's Office

### **ORDER OF BUSINESS**

#### **Call to Order**

**Council Member Lambke** called the meeting to order at 7:04 p.m.

#### **Approval of Minutes**

**Council Member Lambke** asked if there were any changes to the minutes from the October 3, 2000 DAB meeting, being none, the minutes were accepted unanimously.

#### **Approval of Agenda**

**Council Member Lambke** asked if there were any changes to the agenda

#### **Public Agenda**

1. Scheduled items — None were submitted
2. Off-agenda items — None were submitted

#### **Unfinished Business**

### 3. Unfinished business — None submitted

#### Staff Presentations

#### 4. CIP Update Presentation

**Matt Jordan, City Manager's Office**, presented an overview of the update to the 2001-2010 *Capital Improvement Plan (GIP)*, mailed previously to the Board members. The proposed **CLP** focuses on major revisions for the next three years, 2001-2003, in response to significant changes occurring since the adoption of the current program. **Jordan** briefly discussed District III and all-District projects. **Mike Lindebak, Public Works; Neil Cable, Water/Sewer; and, Doug Kupper, Parks and Recreation**, were available to answer questions regarding specific projects.

Board Members asked the following questions:

- **Judy Dillard** asked about the railroad crossing on Pawnee, east of Broadway. **Mike Lindebak** responded that the Pawnee Project constitutes 2 projects: 1) B.N.S.F. (Burlington Northern, Santa Fe) at Hydraulic; 2) U.P. (Union Pacific) at Pawnee and Mead.
- **Lois Newman** suggested improvements and remodeling to take place at Watson Park on the rides and landscaping. She also suggested these changes take place at Herman Hill, particularly the restrooms and amphitheater. **Kupper** commented that he would be coming to DAB meetings for more ideas on this subject.
- **Lois Newman** also asked if the downtown arena would be funded. **Jordan** stated that this project would probably require citizen vote.

#### New Business

#### 4. RV and Commercial Vehicle Parking

DAB members heard public comment about the various issues related to recreational and commercial vehicle parking in the neighborhoods.

**Dan Crouse, 1327 Saloam**, expressed concern regarding the commercial vehicle traffic in his neighborhood. He stated that commercial trucks that park on the street are left running and that noise from them is annoying for the residents. He stated that he has not had much support from the Police Department. **Officer Lisa Rollins** responded to the comments stating that she and **Officer Roats** have checked the situation several times and no violation to the parking ordinance occurred at those times. All vehicles were within the law and could not be ticketed. **John Kemp** suggested contacting the trucking companies to alert them to neighborhood concerns. Kemp also questioned if there was a city code regarding where trucks can park. **Gene Fuhr** suggested an update on traffic ordinances was in order and should be investigated before the next meeting.

DAB members concluded that it appears some confusion exists for regulation due to language in the ordinance, leading them to believe that they should review the ordinance in more detail. The Board will discuss this concern further in the next meeting.

**Recommended action: Defer Board recommendation until the December 5<sup>th</sup> meeting.**

## **5. Rental Licensing and Inspection**

**DAB** members heard public comment on the issue of enforcing code violations for rental properties as described in the information previously provided.

**Pat Daniels, 839 S. Topeka**, spoke about the issue, explaining his perspective as a rental property owner. Daniels stated that he owned several properties in Wichita for which monthly rental rates varied from \$210 including utilities paid to \$975 with no utilities paid. He stated that he had spoke with Office of Central Inspection staff several times and is aware of the existing issues including difficulty in locating landlords; code enforcement; and restrictions for serving papers by hand delivery only within 15-20 miles. He feels that a small percentage of landlords violate codes. **Council Member Lambke** stated that it's not always the landlord that violates the codes; sometimes it's the tenants who are in violation of the codes established. Daniels responded that he believes the landlord is ultimately responsible for how the tenant maintains the property through the property management process utilized by the landlord. **John Kemp** inquired why Daniels was addressing the issue. Daniels responded that he was acting on his own behalf by speaking but that he did belong to the Rental Owners Association and most of the members would agree with his thinking. He stated that he felt a registration and licensing process would not be helpful due to the increased demand for enforcement, requiring additional staff He stated that the existing OCI staff currently has 18,000 cases to handle and could not respond to enforcing additional requirements without additional staff Matt Foley inquired whether the Rental Owners Association had been apprised of the item on the DAB agenda for this meeting. Daniels said that the Association was aware.

**Robert Foster, 351 N. Vassar**, spoke about the registration of landlords including an annual fee. He commented that the registration would not improve code enforcement due to several issues: 1) liability- without permission by the tenant, **OCL** cannot enter a home due to liability issues; 2) absentee owners or long-distance owners can be located by phone or by mail; and, 3) if not rented, more apartments remain vacant for a long time. Foster stated that 60,000 rental units exist in the City and that a registration process would require staff to be tripled. In addition, he stated that additional tickets for violation would make increased demands on Municipal Court. **Jim Skelton noted that it** was unclear why staff would need to be tripled. He stated that he, too, had spoke with Kurt Schroeder, OCJ Supervisor, and that his understanding was that approximately 70% (12,600) of the 18,000 active cases were related to rentals and approximately 10% (1,260) of those were due to violations of deteriorating conditions of the rental dwelling. With this information, Skelton didn't see why a registration/licensing program would require staff to be tripled.

**Foley asked** if comfort existed with the landlords that the City requires use of licensed contractors for specific work involved in maintaining housing structures. Foster replied that this was necessary to protect the unskilled. Daniels stated that the licensing is necessary to ensure safety within a housing unit and that did not equate to the work performed by a landlord. He added that some "grandfathering" existed also, allowing certain maintenance work to be completed by unlicensed persons. He stated that a new layer of bureaucracy wouldn't help.

**Barbara Lee, 1540 N. Broadway**, asked about the landlords who don't maintain properties. Following a brief discussion with Council Member Lambke, **Lee** suggested that pre-registration would protect tenants, additionally providing a fee that will support additional staff to maintain

**the properties. Marsha Dixon, Buildings Inc.,** suggested excluding properties professionally managed from the pre-registration fee. She noted that if a fee is charged to the landlord that it will be passed on to the tenant.

**Council Member Lambke** asked Dixon how tenant screening is performed by Buildings Inc. **Dixon explained that their screening** process includes: 1) background criminal check; 2) documentation of six months of continued employment; 3) gross income equal to three times the rent; 4) credit check; and, 5) previous landlord verification. She urges tenants to take the responsibility of investigating the landlords. **Newman** asked if the Rental Owners Association encourages screening and **Daniels stated** that it did. A member of the public who resides at 445 Madison stated that people who rent couldn't always resolve the issues that accompany renting, such as whom to contact when a repair is needed--property owner, property manager, maintenance—and that calls don't always produce action. She asked whom to contact for help? Council Member Lambke responded that tenants should contact OCI when a landlord will not respond. Daniel noted that the Kansas Landlord-Tenant Act existed to protect tenants and anyone who rents should be familiar with the document. Foley stated it was on website for the Hilltopper Neighborhood Association at [Hilltopper.com](http://Hilltopper.com), or could be accessed in the public library.

**Council Member Lambke** stated that the suggestions were good and that he liked to hear more solutions. He wanted the Board to hear from the neighborhoods on this issue before making any recommendations. He acknowledged that there would be opposition to any new requirement. In response, **Brad Turnipseed** stated that he thought good landlords were being lumped with the poor landlords, and that if rental property owners wanted to be penalized by a new requirement intended to improve living conditions for renters that the landlords needed to do what is required. **Kemp asked** if landlords could be located by unpaid property tax records but **Foster** replied that most of those were vacant lots. **Daniels** suggested that the list be published. **Council Member Lambke** suggested that a roving inspector be considered. **Daniels** asked if the Clean Team **didn't help with property conditions but Council Member Lambke said** only in special situations. He asked the Board Members to continue to consider how the proposed regulation could fix the problem and they would discuss at the next meeting.

Action: Received and filed.

## **6. Engine Compression Release Brakes (“Jake Brakes”)**

DAB members discussed issues presented in background information and discussed the noise nuisance in affected neighborhoods.

**Jerry Barker, 2693 S. Washington Ct.** stated that interstate trucks create the noise problem in their area more than local trucks. He said that the Kansas Department of Transportation (KDOT) has a noise regulation, Chapter 8, Article 17-8 1379, but it is difficult to enforce. Barker stated that a local ordinance would increase compliance because he thinks the trucking business would curtail use of the braking system due to awareness of regulation.

**Council Member Lambke** moved for a **recommendation. Ward (Gulick)** made a motion to inform the City Council of this issue and to let City Council take up this matter. (10-0).

**Recommended action: Request that City Council considers issue with County Commission.**

### **Board Agenda**

#### **7. 2001 Schedule for District LII Advisory Board**

**DAB members reviewed the 2001 schedule of meetings of first Tuesday of each month and third**

**Tuesday as alternate meeting, as originally established, and considered conflicts with holidays.**

**Bill Ward (Fuhr) approved schedule.**

### **Other**

A request was made about the status of the previous interest in the DAB taking a field trip to the Cornejo Landfill. Dana Brown, Neighborhood Assistant, reported that the request was being considered by the Law Department with respect to liabilities, as this landfill is privately owned.

With no further business, **Council Member Lambke adjourned the meeting** at 9:00 p.m.

**Submitted by,**

**Dana Brown,  
Neighborhood Assistant**

### **Guests**

Dave Myers, Denver, CO

Bob Mahoney, Denver, CO

Robert Foster, 351 N. Vassar

Pat Daniels, 839 5. Topeka

Lyvonne Hull,

Dan B. Crouse,

M.J. Brown,

Paul E. Davis,